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ROUMANIA AND THE JEWS.

BY HERMAN ROSENTHAL.

It is with considerable diffidence that I write on any phase of the perennial "Jewish question," or voice to the public a new plaint of a much persecuted people; for experience has taught me that the periodicals, even when favorably disposed to the Jews as a race, are rather averse to discussing their wrongs in print. The general reader, it would appear, is bored by the very frequency of reports of anti-Jewish outbreaks.

Next to Russia, Roumania, during the last twenty-five years, has been the most cruel oppressor of the long-suffering Jewish race, and the oppression still continues. Only a few months ago, a peasant uprising directed against the Jews terminated in violent attacks on the Roumanian landlords, who were not aimed at by the instigators of the outbreak. The Jews, however, had to pay the penalty, more vigorous measures against them following the suppression of the riots by which they themselves had suffered.

It must be remembered that discrimination against the Jews is in direct contravention of the terms of the Treaty of Berlin, to which Roumania owes her very existence as an independent kingdom. This treaty, signed in 1878 at the close of the Russo-Turkish war, stipulated that the Jews of Roumania should be admitted to all the rights of citizenship. In practice, they have been saddled with all the duties and burdens of citizenship and denied all its privileges. Some show of compliance with foreign demands becoming unavoidable, the Roumanian Government finally consented to abrogate Article VII of its constitution, and to admit to citizenship, though only by special act of Parliament in the case of each individual, "aliens not under foreign protection"—by which pleasing phrase the native Roumanian Jews are significantly described. But this apparent concession is absolutely farcical.

The record shows that, in twenty-three years, 968 Jews were naturalized. Of these, 883 were men who fought in the war of 1877, and these were voted upon by the Chamber *en bloc*, the list of names having been made up by the ministry on their own responsibility. How many of them were the names of dead soldiers no one knows. Moreover, the certificates of citizenship were sent, it is said, to the regiment with strict confidential orders against their delivery, and more than half of them were subsequently annulled. The remaining eighty-five Jewish citizens bought their naturalization by cash payments to venal deputies. After this traffic had become too notorious, it was tacitly agreed that no more Jews were to be naturalized; and this "gentleman's agreement" the Roumanian finds it more easy to keep than his formal treaty obligations.

In 1881, the Parliament promulgated a law authorizing the Minister of the Interior to expel or remove from place to place, without giving specific reasons for his actions, any stranger likely to disturb the public peace. This law, consequent upon the assassination of the Emperor Alexander II of Russia, though originally directed against the Nihilists, was soon applied to the Jews. Then began a systematic persecution, which was relaxed only when the Roumanian Government needed loans from foreign Jewish bankers. The Jews were herded into the larger cities; then, by successive restrictive measures, the right to pursue the different vocations as yet open to the Jews was made practically dependent upon that Roumanian citizenship which was wrongfully withheld from the Jews. Worst of all, Jewish youths were effectively excluded from schools and universities.

In 1892, the United States Government addressed to the signatory Powers a circular note protesting against this violation of the Treaty of Berlin. In rejoinder, the Roumanian Government advanced that time-worn pretext, the alleged exploitation of the peasantry by the Jews. The emigration of the Jews in large number began in 1878, but this exodus has grown materially since 1892.

Over and over again, and until recently in reversal of the lower courts, the Supreme Court of Roumania has held that a Jew, though born on Roumanian soil, could be expelled as an "objectionable foreigner."

A typical example of Roumanian justice is the case of Cociu

Avramescu, a Jew, native to the soil, who had performed military service, and who was fined by the court for returning to his native heath after expulsion as an objectionable alien.

From the "*Curier Judiciar*" we learn the details of this case. Cociu Avramescu, having been expelled from the country under the law of 1881 on account of bad conduct, was, on returning without due governmental permission, fined by the Bucharest court of appeals, after two disagreements in the lower courts. On his appeal to the Supreme Court, that court, in June of this year (1907), affirmed his fine. In so doing, it classified as aliens all of those who had not been duly qualified as citizens, whether native to the soil and there reared or not. All of these were thus liable to the operation of the law of 1881. From the Attorney-General's speech we ascertain the following facts: Cociu Avramescu, a Jew, born and bred in Roumania, but still an alien, was expelled, under the law of 1881, in January, 1906. He returned in March, 1907, having been away about fourteen months. He was then arrested and arraigned, subject to the penalty called for by the fifth paragraph of the code.

The military court, though without jurisdiction, interfered and acquitted the prisoner, declaring him a Roumanian. Cociu, in all the courts, claimed that a decree of expulsion could not issue against him, because such could only hold against an alien, while he was not an alien, but a Roumanian born and bred; and, further, that Roumanian was the only language known to him, that he had served his time in the army and had always been under Roumanian protection and travelled abroad with a Roumanian passport. The Attorney-General remonstrated that there are colonies of persons of all nationalities born and raised in Roumania, speaking the Roumanian tongue better than any other, performing military duty there when not subject to foreign protection, travelling with Roumanian passports, etc., yet not Roumanians.

Now, in 1881, Nicholas Jonescu, a member of Parliament, opposed the law of that year, and suggested another measure clearly defining "alien under the protection of the law"—*i. e.*, aliens of native birth, as distinguished from those born abroad. With the latter, said he, I have nothing to do; I have only to do with those who are born here, who are subject to no foreign Power, and who only lack recognition in order to become citizens. He argued: "How can we be asked to classify the native aliens

with those just entering the country and also forced to ask domiciliary concession?" But Bratianu and Chitu met this with the pretence that Roumania extends its hospitality to foreigners and with the charge that they "in return but mock us"—their reference being to two Jewish vagrants who had established a newspaper and had dubbed the country's representatives "the mandarins of the Acropolis."

The Attorney-General pointed to preceding cases with a defence identical to that of Cociu, in regard to which the Supreme Court had already taken a similar stand and rejected their several appeals. The abrogation of the eighth paragraph of the civil code in 1879, which admitted to full citizenship on attaining their majority the children of foreign parents born on Roumanian soil on declaration of their wish to become Roumanians, this, he said, fended a danger from the country. For the large number of Jews born in Roumania would thus have endeavored to avail themselves of this right, and sought naturalization *en masse*.

All things considered, the Attorney-General conceded that the rights of citizenship had been tacitly extended to aliens born in Roumania who had been assimilated. But this was solely a matter of custom, and applied only to aliens of the Christian faith, and not to the Jews, who possessed their distinctive physiognomy and nationality, and thus could not fuse with the Roumanian element. When reminded that the constitution differentiated between Jews of native and Jews of foreign birth, and that in 1877 Vasili Borescu, on applying to the Powers for the recognition of the independence of Roumania, made this distinction, and that eventually even the Supreme Court at different times had affirmed it, he went on to say that, on the whole, all the privileges extended to the Jews were merely concessions and not binding precedents. He further remarked that the essential matter was not specifically the wish of Cociu to return to Roumania, but his intention to make his case a test case. In this he was but acting as the tool of Goldwurm, and many others who had been expelled, who wished to open wide the doors to those who, while professing to be Roumanian, had evinced the quality of their pretended patriotism during the peasant uprising by filling the Vienna papers with calumnies against Roumania, which they called the "Congo of Europe."

That the attitude of even the liberal statesmen toward the Jews

and the Powers has changed for the worse is evident from a letter written by the same Jonescu, formerly Minister of Education and Finance, to Mr. Turnbull of London some years ago. He claimed that, once Roumanian independence had been recognized, no foreign Power could intervene on behalf of the Jews resident in that country, any more than on behalf of the Finns in Russia, the Poles in Germany or the Roumanians in Hungary. In these instances, those who complain of oppression are native-born. Jonescu further made the astonishing statement that, in Roumania, the outcry comes from a newly-arrived foreign people, whose relatively large numbers complicate matters very much. So far is this from being true that Jews, according to Roumanian historians, were there long before the hordes of Roman convicts who were brought thither by Trajan to populate the fertile lands of the Dacians. In 397 A.D., a decree of the Roman Emperor granted protection to the Dacian Jews and their synagogue. Further, in a total population of 5,912,590 only 269,016 were Jews, according to the census of 1899.

Despite its specific pledge to the treaty Powers not to make any distinction within its borders based on religion, Roumania, we see, like Russia, will avail itself of every opportunity to evade this obligation in its treatment of the Jews. And, since 1881, Roumania has been imitating the invidious example then set by Russia, its more potent neighbor and protector.

"A single fact is worth a cart-load of argument." So I shall not dilate unduly on the case thus presented. The problem involved, however, not only interests the Jews of Roumania, but concerns also every country which may become affected by the immigration of those Jews whom Roumania, for reasons of her own, may drive from her soil. As Americans, we ought to be interested. An international question would actually arise were Roumania to cast out, say, 200,000 of her Jews and other nations were to close their doors upon them.

Would such a breach of contract be a proper subject for the future Hague tribunal? If so, which country will bring it forward?

HERMAN ROSENTHAL.